

**Good evening gentlemen. My name is Mike Sullivan. I have lived on Balboa Island at 121 Marine Avenue for 35 years. I have served our city as a uniformed police officer and as a detective, so I have a lot of experience regarding the subject that brings me here tonight.**

**I'm here to talk about the Village Inn, located at the corner of Park and Marine Avenues. The front of the building faces a commercial district. The side and rear of the building face a residential district – namely our houses. This necessitates certain responsibilities on their part.**

**Those of us who own houses and live on Marine Avenue are alarmed and dismayed that there is so much noise now coming from the Village Inn. Some of us have been here for many years, and there has never been anything like this. We all want the Village Inn to succeed – as a restaurant. But the noise from the music and the screaming is not acceptable.**

**The music can be heard inside our houses as far away as across the street and four houses down. And it's not just the nearby homes that are affected. The value of every house on our block is in jeopardy if this continues. I'm here alone tonight, but I have the unconditional support of everyone on our street. We cannot accept this new status quo any longer.**

**The walls and windows of the V.I. can no longer contain the noise because the building has been changed – without permit – into an echo chamber. Four months ago they knocked down the one interior wall that was a buffer between the music and the residences. Then they moved the stage back toward the houses. This has changed everything! They removed all the (sound absorbing) carpeting, which conveniently made room for dancing, despite the fact that their use permit explicitly prohibits it. The other night there were about thirty people dancing. When there is dancing there is always screaming, which we can all hear in our houses. They have transformed a cozy, fifty-year old restaurant – into a loud nightclub.**

**The building department has apparently allowed the illegal construction to stand, most likely because it met the building code. But the resulting neighborhood impact was ignored**

**because that's not the building department's job. Neighborhood impact is your job.**

**The original use permit for live entertainment was for a piano bar that played dinner music – No dancing permitted. That rule is now routinely ignored. The newly located stage is twice the size of the corner spot for the piano/keyboard player. The speakers are redirected from facing the front commercial area. Now instead of one keyboard/player singer, they have hard rock bands, sometimes with as many as four rockers with guitars and drums. The sound inside our houses is unbearable – even now that we've closed all our windows for the weather, and even in our back bedroom on the other side of the house.**

**Back in 2001 Planning staff approved a 90 day temporary trial for live entertainment exceeding the one piano player, for up to four musicians. (singing groups, etc.) That 90 days has long passed and there is no record of it being extended. But the camel's nose got under the tent, and now we have Hard Rock Café.**

**When I was a police officer here in town, I would never allow that kind of noise to hit nearby houses. There would be a routine bar check every night until it stopped. Restaurants are not usually bar checked, but by 9pm, this place stops being a restaurant and becomes a loud nightclub.**

**If this were a party house making that much noise, the police would be there every night to shut it down. An ABC licensed establishment directly abutting a residential block is subject to the same residential noise restrictions as those properties it faces. The California penal code also restricts that kind of noise in a residential neighborhood.**

**I know the rules well because it was once my job to enforce them. We residents require and expect zero noise coming from the building in our direction. And we look to you to remedy the situation.**

**And now we hear that there is another shoe about to drop, which brings an additional and alarming concern. The owners of the Village Inn also own the residential property next door at 123**

**Marine, between the restaurant and the other houses on the street. This property consists of a small two-bedroom apartment over a garage, with a large yard and trees and grass in the front two-thirds. This residential property is our only buffer between the noise coming from the building and the loud drunks that exit the bar at closing time. The property is residentially zoned, and there have been renters there for fifty years or more.**

**Years ago, and without permit, the restaurant illegally encroached into the yard area and attached a shed to the kitchen. Once again the building department let it stand, and as now, the neighborhood impact was not addressed. By now the shed is probably grandfathered. But that bootleg shed in no way changes the fact that 123 Marine Ave. is residential property, and continued to be for the tenant who was living there, and continued to live there for another ten years before the new owners had him leave. There is no way on earth that even a single person on our street will not strongly object to any changes in that zoning status. The line has to be drawn somewhere!**

**Now we hear that the V.I. owner has plans to use the apartment and the brick patio in front of it for “indoor – outdoor dining.” The owners have already been told several times that this is a residentially zoned property. But their history is one of shoot first and ask questions later. They live by the philosophy that it’s better to ask forgiveness than permission. We want it to be known by all parties that 123 Marine Avenue is a residential property, period. This would save the new owners any illusions to the contrary, and might save them the trouble of spending any money on construction, and then being turned down, or even worse, having us all get into a huge argument.**

**The alarm has been raised among the homeowners and residents and we are now the proverbial sleeping giant that says no more.**